

भारत का राजपत्र

The Gazette of India



असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

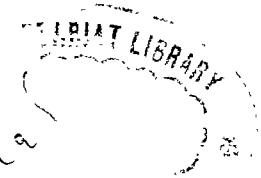
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.



LOK SABHA

The following Bills were introduced in Lok Sabha on 5.5.2000:—

BILL NO. 6 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000. Short title.
2. In the Eighth Schedule to the Constitution, entries 3 to 18 shall be re-numbered as entries 4 to 19 respectively and before entry 4 as so re-numbered, the entry "3. Bhojpuri." shall be inserted. Amendment of the Eighth Schedule.

STATEMENT OF OBJECTS AND REASONS

Bhojpuri is a very old language and spoken widely in almost thirty districts of Eastern Uttar Pradesh and Bihar. It is estimated that around fifty million people speak this language in India. It evolved distinctly over the centuries and can boast of a vast and enlightening treasure of literature. Moreover, it is also the *lingua-franca* of countries like Surinam and Mauritius, where lakhs of Indians, hailing from this region, migrated to these countries centuries ago.

Yet unfortunately, this rich language has not got the due recognition it deserves. It is accordingly proposed to insert a new entry in the Eighth Schedule to the Constitution and recognise "Bhojpuri" as one of the national languages of India.

The Bill seeks to achieve the above objective.

NEW DELHI;
November 30, 1999.

PRABHUNATH SINGH

BILL NO. 53 OF 2000

A Bill to provide for research and use of alcohol as alternate fuel in the country and for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Alternate Fuel Resources Board Bill, 2000.

(2) It shall come into force at once.

Short title and commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means a State Government, in relation to a State and the Central Government in other cases;

(b) “Board” means the Alternate Fuel Resources Board established under section 3;

(c) “alternate fuel” means alternate sources of fuel apart from petrol and diesel;

(d) “fund” means the Alternate Fuel Research Fund established under section 9; and

(e) “prescribed” means prescribed by rules made under this Act.

Establishment
of Alternate
Fuel Resources
Board.

3. (1) The Central Government shall, by notification in the Official Gazette, establish an Alternate Fuel Resources Board (hereinafter to be referred to as the Board) consisting of,—

(i) a Chairman, having requisite qualification in Chemical Engineering especially in the field of non-conventional energy sources, to be appointed by the Central Government.

(ii) members who shall represent,—

- (a) the automobile industry;
- (b) the sugar-cane industry;
- (c) the Ministry of Petroleum and Natural Gas;
- (d) the Ministry of Environment and Forests;
- (e) Government concerned; and
- (f) the field of non-conventional energy sources.

(2) The terms and conditions of appointment, service, salary, allowances and other benefits of the Chairman shall be such as may be prescribed.

(3) The members of the Board shall be entitled to such allowances for attending the sittings of the Board, as may be prescribed.

4. The Central Government shall make available necessary officers and other staff to the Board.

5. Every appropriate Government shall inform the Board about the quantity of alcohol produced in that State every year and also other alternate sources of fuel developed in that State.

Officers and
staff.

Appropriate
Governments to
inform
Board about
the quantity of
alcohol.

Sitting of the
Board.

6. (1) The Board shall meet as often as possible but a sitting of the Board shall not be held later than three months from the date of its previous sitting.

(2) The sittings of the Board shall be presided over by the Chairman and in his absence by a member to be elected from amongst the members themselves.

7. (1) It shall be the duty of Board to —

(i) promote the use of methanol and ethanol blended with petrol/diesel as an alternate fuel;

(ii) explore the possibility of using methanol as an alternate fuel and conduct research work; and

(iii) explore the possibilities of other alternate sources of fuel.

(2) The Board may use the services of experts in the relevant fields for conducting research work.

Duty of the
Board.

Board to
submit annual
report.

Report to be
laid on the table
of both Houses
of Parliament.

Establishment
of Fund

8. The Board shall submit an annual report with suitable steps necessary for implementing the recommendations contained therein, to the Central Government.

9. The Central Government shall cause the report to be laid on the table of both the Houses of Parliament alongwith a statement of action taken thereon and the reasons for not implementing any recommendation contained in the report.

10. The Central Government shall establish a fund to be known as the Alternate Fuel Resources Fund to meet expenditure on salary, allowances, research and for any other work for developing and promoting the use of methanol or ethanol as an alternate fuel or exploring other sources of fuel.

11. The Board may enter into agreement or contract with any foreign company for research/sale of alternate fuel in the country.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Agreement
with foreign
companies.

Power to make
rules

STATEMENT OF OBJECTS AND REASONS

India has vast natural resources. Some of the resources have not been fully explored and put to use for benefit of common man.

With the liberalisation of economy, many automobile manufacturers have entered into domestic market and sell huge number of automobiles. With the increase in our population, the demand for petrol has increased manifold. Our country is not able to meet the demand with the available quantity. Petrol has to be imported and this leaves a big hole in our foreign exchange reserve.

With the ever growing demand for petrol, many countries have started exploring possibilities of using alternate sources of fuel long back. As a result, many countries have started using fuel obtained from sugar molasses. U.S., Brazil, France, Finland and some European countries are the front runners in this field.

India is one of the largest sugar producers in the world. Molasses is obtained from sugar-cane. If methanol and ethanol which are obtained from extracts of sugar-cane, are blended with petrol in appropriate proportion, automobiles can be run without making any modification in the engine system. To that extent, consumption of petrol will be reduced. Moreover, methanol can be used as fuel even without blending with petrol.

Another major advantage of using methanol/ethanol as alternate fuel is that it is environment friendly and helps in reducing environmental pollution to a considerable extent.

In our country also, use of methanol/ethanol was tried successfully in western region for some time.

It is really surprising that with all the advantages, why our country is not willing to come forward to accept this as an alternate fuel.

The Bill seeks to promote the use of methanol/ethanol as an alternate fuel and to explore other sources of fuel.

NEW DELHI;
February 9, 2000.

ANNASAHEB M.K. PATIL

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for setting up of an Alternate Fuel Resources Board. It further provides for salaries and allowances to Chairman and allowances to the members for attending the sittings of the Board. Clause 4 provides for appointment of necessary officers and staff for the Board. Clause 7 provides for conducting extensive research to explore possibilities of other sources of alternate fuel and for engaging the services of experts in relevant fields by the Board. Clause 10 provides for the setting up of an Alternate Fuel Resources Board Fund. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India.

It is likely to involve a recurring expenditure of about rupees one hundred crore.

A non-recurring expenditure of about rupees fifty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 73 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000	Short title.
2. In article 16 of the Constitution, clause (4A) shall be omitted;	Amendment of article 16.
3. After article 16 of the Constitution, the following article shall be inserted, namely:—	Insertion of new article 16A

“16A. (1) Nothing in this Constitution shall prevent the State from making any provision for reservation in matters of appointment, promotion or upgradation to any class or classes of posts in the services under the State in favour of the socially and economically backward classes of citizens, the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

Reservation for the socially and educationally backward classes, Scheduled Castes and Scheduled Tribes in posts and services under the State.

(2) A person belonging to the socially and economically backward classes or the Scheduled Castes or the Scheduled Tribes, as the case may be, and who has been promoted to any post in connection with the affairs of the State shall be entitled to count his seniority in that post from the date of such promotion.

(3) Nothing in this Constitution shall prevent the State from making any provision in favour of the socially and economically backward classes of citizens, the Scheduled Castes and the Scheduled Tribes, which prescribes for relaxation in qualifications or qualifying marks in any examination or lowering the standards of evaluation for reservation in matters of recruitment or promotion to any class or classes of posts or services in connection with the affairs of the State.

(4) Notwithstanding anything in this Constitution, the State may by law provide reservation to the socially and economically backward classes, the Scheduled Castes and the Scheduled Tribes in private sector, subject to such conditions as may be specified in the law made in this regard.

(5) Nothing in this Constitution shall prohibit the State from reserving more than fifty per cent. of the posts or vacancies in a recruitment year and from conducting special recruitment drive in order to fill up backlog of posts or vacancies for appointment or promotion or appointment by transfer or upgradation in a service in an establishment under the State.

(6) Nothing in this Constitution shall prevent the State from making any provision for clubbing the posts carrying equal scale of pay, duties or responsibility and to provide reservation in favour of the socially and economically backward classes of citizens, the Scheduled Castes and the Scheduled Tribes.

(7) The provisions of this article shall have effect notwithstanding anything contained in any judgement or decree or order or direction of a Court of Law or Tribunal or Authority having judicial powers to the contrary".

4. After article 29 of the Constitution, the following article shall be inserted, namely,—

Insertion of
new article
29A.

Reservation
for the socially
and
economically
backward
classes of
citizens, the
Scheduled
Castes and the
Scheduled
Tribes in all
educational
institutions.

"29A. (1) There shall be reservation in favour of the socially and economically backward classes of citizens, the Scheduled Castes and the Scheduled Tribes in all educational institutions in all courses of study including advanced courses of study and professional courses in all categories or disciplines, subject to any law that may be made specifying the qualifications and eligibility norms including the percentage of reservation or relaxation to ensure filling up of all seats.

(2) The provisions of the article shall have effect notwithstanding anything contained in any judgement or decree or order or direction of any Court of Law or Tribunal or Authority having judicial powers to the contrary".

STATEMENT OF OBJECTS AND REASONS

The Preamble of the Constitution assures every citizen equality of status and of opportunity and secures justice—social and economic which has been declared in S.R. Bommai's case as basic structure of the Constitution.

Article 46 enjoins that the State shall promote with special care the educational and economic interests of the weaker sections of the people and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice.

The Mandal Commission in its report had identified other backward classes who have suffered similar social injustice as had been suffered by the Scheduled Castes and the Scheduled Tribes.

Article 38 directs that the State to secure social order for promotion of the welfare of the people by securing and protecting an effective social order in which social, economic and political justice shall inform all the institutions of national life and that the state, in particular, shall strive to minimise the inequalities in income and endeavour to eliminate inequalities in status, facilities and opportunities among individuals as well as groups of the people.

Article 51-A(j) imposes fundamental duty on every citizen to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement.

The persons belonging to the Socially and educationally backward classes, scheduled castes and scheduled tribes are the most disadvantaged and deprived weaker sections of the society. It is the duty of the State to take care of them to minimise the inequalities in status, facilities and opportunities by effectively implementing the directives in the Constitution to enable them to reap social and economic justice, secure equality of opportunity and of status and to enjoy dignity.

To increase the chances/avenues of appointment/promotion in posts and services under the State and in Public Sector for the persons belonging to the socially and educationally backward classes, scheduled castes/scheduled tribes it is necessary to make an express provision in the Constitution itself.

Even after 50 years since Constitution came into force, the other backward classes, scheduled castes/scheduled tribes did not have proper representation for variegated reasons in various posts or classes of post or appointments in connection with the affairs of the State.

Due to social, educational and economic backwardness and other disadvantages and disabilities; the persons belonging to the socially and educationally backward classes, Scheduled Castes and the Scheduled Tribes are not able to compete on equal merit with the general category candidates.

The recent judgement of the Supreme Court in *Indira Sawhney versus Union of India* 1992 Supplement 3 SCC 217, *Dr. Preeti Srivastava versus State of Madhya Pradesh* 1999, 7 SCC (page 120), and *Ajit Singh and others (II) versus State of Punjab* IA 1-3 in Civil Appeal No. 3782-94 of 1990 etc. dated September 16, 1999 caused hindrance to the Government for effectively implementing the policy of reservation in imparting of education in all courses of study, in particular, at the stages of higher learning, specialities, super-specialities, technical, scientific courses, etc.

Therefore, with a view to give effect to the constitutional objectives referred to above, it has become a necessity to suitably amend the Constitution in order to implement the reservation policy effectively.

BILL No. 81 OF 2000

A Bill to provide for measures for all round development of National Capital Territory of Delhi.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the National Capital Territory of Delhi (Development) Act, 2000.

(2) It extends to National Capital Territory of Delhi.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “building” means and includes any structure or erection or any part of a building but does not include a plant or machinery comprised in a building;

(b) “competent authority” means such officer or authority as the Central Government may, by notification in the Official Gazette, appoint as such authority for the purposes such of this Act;

(c) "jhuggi jhopri" means a small roughly built house or a shelter usually made of mud, wood or metal having thatched or tin sheet roof covering;

(d) "illegal structure" means any building, structure, dwelling house or commercial place used for any purpose and has been built without obtaining proper clearance from authorities;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "slum" means an area consisting of jhuggi jhopri clusters, badly built and over-crowded houses and buildings; and

(g) "slum clearance" means the clearance of any slum area by demolition and removal of buildings therefrom.

3. (1) The competent authority may, from time to time by notification in the Official Gazette, declare any area to be a slum area within the meaning of this Act.

Slum areas to be notified.

(2) Where the competent authority is satisfied that the most satisfactory method of dealing with the conditions in a slum area is demolition of all the buildings and jhuggi jhopri clusters in the area, the authority shall by an order notified in the Official Gazette, declare the area to be a clearance area, that is to say, an area to be cleared of all buildings and jhuggi jhopri clusters in accordance with the provisions of this Act.

4. (1) All the residents of slum clearance areas shall be evacuated and accommodated in alternate houses to be built by the Government.

Accommodation of evacuees in alternate houses
Clearance area.

(2) The houses built under sub-section (1) shall have all necessary basic facilities.

5. As soon as may be after competent authority has declared any slum area to be a clearance area, the Government shall cause such slum area to be cleared of all jhuggi jhopri clusters and other buildings removed from that area.

6. (1) No person shall be allowed to set up any jhuggi jhopri in any area.

Prohibition of setting up of jhuggi jhopri

(2) Any jhuggi jhopri set up in violation of the provisions of this Act shall be demolished by the competent authority in such manner, as may be prescribed.

7. After the date of commencement of this Act, any illegal structures built by any person shall be demolished forthwith.

Demolition of illegal structures.

The Municipal Corporation of Delhi and New Delhi Municipal Council shall prepare annual plans and projects for all round development of National Capital Territory of Delhi and forward them to the Central Government.

Plans and Projects

9. (1) The Central Government shall set up a Committee consisting of—

Setting up of a committee.

(i) the Chairman of Union Planning Commission;

(ii) Union Minister of Finance;

(iii) Union Minister of Urban Development;

(iv) the Chief Minister of National Capital Territory of Delhi;

(v) the Minister of Finance of National Capital Territory of Delhi;

(vi) the Members of Parliament representing the National Capital Territory of Delhi.

(2) The Committee shall examine all the projects and plans prepared by the Municipal Corporation of Delhi and the New Delhi Municipal Council and decide upon the projects and plans to be taken up during a financial year.

(3) The Committee shall in close coordination with the Government of National Capital Territory of Delhi ensure that the plans and projects are executed within the scheduled period.

Fund.

10. The Central Government shall provide adequate fund for execution of the plans and projects as recommended by the Committee set up under sub-section (1) of section 9.

Power to make rules.

11. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

New Delhi, the capital of India represents the cultural traditions and diversity of ethnic India in a microcosm. In view of the peculiar status of the capital where we have a State Government and a more than active involvement of the Central Government, keeping the city clean and beautiful and preserving its cultural heritage acquires added significance.

Poor people from every nook and corner of the country throng the capital in search of better opportunities and jobs for earning their livelihood. Poverty forces them to find shelter in slum and Jhuggi Jhopri clusters.

At present, Delhi has around 1100 slum clusters encroaching around 4000 hectares of land and number of people living in slums are around 35 lacs. Government has a duty to relocate these slum dwellers suitably not only to enable them to live in clean and hygienic environment but also to save the environment of the adjoining places and reduce the immense pressure on the civic amenities. It is also the duty of the Government to nip this problem in the bud by ensuring that such slums do not come up in an unauthorised manner at Government land henceforth.

Slum relocation and rehabilitation of people is the work allocated to the slum and JJ Department of Municipal Corporation of Delhi. Officials of Government agencies like Municipal Corporation of Delhi, New Delhi Municipal Council, Delhi Development Authority, Delhi Vidyut Board and other civic bodies who are responsible for the management and upkeep of their land should be held accountable for any encroachment and strict punitive measures should be taken against them after fixing responsibility.

There should not be any dearth of funds for development of Delhi. Members of Parliament should be actively involved in all round development of Delhi.

NEW DELHI;
Apr 3, 2000

SAHIB SINGH VERMA

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that the Central Government shall provide alternate houses with all basic facilities to those who are living in slum areas. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. Clause 10 provides that the Central Government shall provide adequate funds for completion of plans and projects. It is estimated that a sum of rupees four hundred crore will be involved as a recurring expenditure per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 11 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 80 OF 2000

A Bill to provide for establishment of educational institutions and other facilities to the children of parents living in the rural areas and for matters connected therewith.

Be it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Special Educational Facilities for Children of Parents Living in the Rural Areas Act, 2000.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) "appropriate Government" means the Central Government or the State Government, as the case may be;

(b) "prescribed" means prescribed by rules made under this Act; and

(c) "rural areas" means such areas which are located outside the radius of twenty kilometers away from the town or city.

3. (1) The appropriate Government shall establish adequate number of schools, institutions of higher learning including institutions of medical and technical education in rural areas, in addition to existing schools, institutions, as may be prescribed, to impart the best education to the children of parents living in rural areas.

Establishment of adequate number of schools, institutions of higher learning and medical and technical institutions.

(2) The schools including institutions of medical and technical education established under sub-clause (1) shall be provided with all modern facilities, equipments, laboratories, infrastructure and adequate number of teaching staff at par with the schools, institutions of higher learning, medical and technical education provided in the urban areas of the State.

4. It shall be the duty of the appropriate Government to provide to every child born of parents living in rural areas, the following facilities, namely:—

Facilities to children born of parents living in rural areas.

(a) free education from primary school level to the post-graduate level including medical and technical education;

(b) free hostel facilities, uniform, books, meals and such other assistance and facilities as are required for the proper education of children.

5. The appropriate Government shall provide scholarships upto a maximum of rupees two thousand and four hundred per annum, in deserving cases, to the children of parents living in rural areas while they are pursuing their education.

Scholarships.

6. The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Nearly seventy per cent of the total population of our country lives in the rural areas. Their income is so meagre that they cannot provide good education to their children. A large number of our children born of such parents leave schools because of the poor financial position of their parents. A country cannot even think of development without proper education of its young generation. It is the foremost duty of the Government to establish a classless and creedless society. Hence the Governments at the Central as well as at the State level should make adequate provisions for free educational facilities to the children of parents living in rural areas. In this way the children so educated will get better jobs and can compete with children educated in urban areas successfully. Their standard of living will also rise and country will progress immensely.

Hence this Bill.

NEW DELHI,
April 1, 2000.

G. PUTTA SWAMY GOWDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the appropriate Government shall establish adequate number of schools, institutions of higher education including medical and technical institutions in rural areas and these institutions shall be provided with adequate facilities, infrastructure etc.

Clause 4 provides for free education including medical and technical education by the appropriate Government to children born of parents living in rural areas. It also seeks to provide for facilities such as free hostel, uniform, meals etc. to such children. Clause 5 provides that the appropriate Government shall provide scholarships upto a maximum of rupees two thousand and four hundred per annum in deserving cases, to such children. The Central Government has to bear the expenditure to be involved in respect of Union territories. The respective State Government shall bear the expenditure involved in respect of their States. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees two hundred crore is likely to be incurred per annum.

A non-recurring expenditure of rupees one hundred crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 28 OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2000.
2. In article 85 of the Constitution, in clause (1), the following proviso shall be inserted, namely:—

"Provided that each House of Parliament shall meet for not less than one hundred and fifty days in a calendar year."

Short title.

Amendment of article 85.

STATEMENT OF OBJECTS AND REASONS

During the Eleventh and Twelfth Lok Sabha, there were very less number of sittings of each House of Parliament, with the result that the Government adopted the method of issuing Ordinances frequently. In a Parliamentary system of Democracy, the views of the people are more important as the members express their views on all important legislations. The reduction in the sittings of the Parliament has been opposed by the people. It not only affect the rights and privileges of Members of Parliament but also set an unhealthy trend in a democratic system. It is, therefore, proposed that Parliament shall sit for a minimum period of one hundred and fifty days in a calendar year in the interest of the country.

Hence this Bill.

NEW DELHI;
February 3, 2000

VILAS MUTTEMWAR

BILL NO. 87 OF 2000

A Bill to provide for regulation of recruitment in the public employment for matters connected therewith.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Public Employment (Recruitment) Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by Notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires, —

(a) “appropriate Government” means—

(1) in relation to—

(a) any establishment of any railway, major port, mine or oil-field, or

(b) any establishment owned, controlled or managed by—

(i) the Central Government or a department of the Central Government,

Short title and extent and commencement.

Definitions.

(ii) a corporation (including a co-operative society) established by or under a Central Act which is owned, controlled or managed by the Central Government;

the Central Government;

(2) in relation to any other establishment, the Government of the State in which that other establishment is situate;

(b) "employee" means any person who is employed in an establishment to do any work for remuneration;

(c) "employer" means any person who employs one or more other persons to do any work in an establishment for remuneration and includes any person entrusted with the supervision and control of employees in such establishment;

(d) "employment exchange" means any office or place established and maintained by the Government for the collection and furnishing of information, either by the keeping of registers or otherwise, respecting—

(i) persons who seek to engage employees,

(ii) persons who seek employment, and

(iii) vacancies to which persons seeking employment may be appointed;

(e) "establishment" means—

(a) any office, or

(b) any place where any industry, trade, business or occupation is carried on;

(f) "establishment in public sector" means an establishment owned, controlled or managed by—

(1) the Government or a department of the Government;

(2) a Government company as defined in section 617 of the Companies Act, 1956;

(3) a corporation (including a co-operative society) established by or under a Central, Provincial or State Act, which is owned, controlled or managed by the Government;

(4) a local authority;

(g) "group 'c' post" means such post where clerical or typing or other work is involved and where no supervision work is involved;

(h) "prescribed" means prescribed by rules made under this Act.

3. (1) It shall be mandatory for every employer in every establishment in public sector to notify such employment exchanges, as may be prescribed, before filling up any vacancy in that establishment.

(2) It shall be mandatory for every employer in every establishment to publish in the newspapers having wider circulation and also display on their office boards or announce on radio and television network through employment news bulletins and also publish in the vernacular language newspapers of the area where the establishment is situated or the vacancy has arisen about the vacancies in that department and their full details.

4. It shall be the duty of every employment exchange to whom a vacancy has been notified by any employer to forward the names of candidates in accordance with their eligibility and reservation policy for the time being in force to the employer of that department.

1 of 1956

Notification and publication of vacancies.

Forwarding of names of eligible candidates by employment exchange to the employer.

5. The employer of every establishment who has notified vacancies shall consider all applications received through employment exchanges and direct from candidates before filling up any vacancies in the establishment.

Consideration of all applications received through employment exchange.

6. Notwithstanding anything contained in any other law, order, rule, notification, by law, regulation, instruction, judgement of any court of law or tribunal or any quasi judicial authority or any authority having judicial powers to the contrary for filling up a group 'c' post, the regional language of the State or area where the establishment is situated or where the vacancy has arisen shall be a compulsory and pre-requisite qualification before deciding the eligibility of candidates for filling up any vacancy in that department.

Regional language to be made compulsory for Group 'C' posts

7. Unless the Central Government otherwise directs by notification in the Official Gazette in this behalf, this Act shall not apply in relation to vacancies which are proposed to be filled through promotion or by absorption of surplus staff of any branch or department of the same establishment.

Act not to apply in case of promotion or absorption of surplus staff.

8. The Central Government, may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It has been observed that there is no proper and uniform policy followed in recruitment in Government bodies. Only a strong and clear cut policy will pave way for appointment of efficient staff in Government undertakings. It has been seen that many Government departments advertise their vacancies either in large dailies or in employment news only with the result that only a few people have access to information regarding the vacancy position in a particular department. In fact, there is a mandatory provision that whenever a vacancy arises, employment exchanges should be notified about it who in turn will forward details of eligible candidates to the department. This procedure is not followed properly and as a result even unsuitable candidates get selected in the process.

The Supreme Court in a case has observed that all vacancies arising in a Government department should be given wide publicity in newspapers including regional newspapers, employment news, employment news bulletins in radio and television network so that maximum number of candidates can apply. Many of the departments taking advantage of the instructions given by the Government of India regarding the administrative and budgetary convenience, publish the vacancies in Employment News only. The vacancies are not published in regional languages and as a result people living in backward and far-flung areas are not aware of the advertisement and as such are not in a position to apply for the same.

Therefore, through this Bill it is made compulsory that all vacancies should be notified not only to employment exchanges, employment news, but also published in regional newspapers in addition to national and other dailies. In this connection it may not be out of place to mention that a note on recruitment policy in the public sector enterprises was laid on the Table of the Lok Sabha on 14 April 1961 in which it has been stipulated that all vacancies should be communicated to employment exchanges and advertisements should be published in local languages and local newspapers. It may be seen that even the judgement of the Supreme Court is not strictly followed.

For any efficient functioning and serving the people better, it is essential that employees serving in a particular department should know the local or regional language of the area in which the department is situated. Of late, the regional or local language is not being insisted upon as a pre-requisite qualification in determining the eligibility condition for considering the candidature for a vacancy. Earlier the regional language or local language was made compulsory qualification for appointment. However, nowadays it has been done away with. It is proposed in the Bill that for appointment to group 'c' posts, regional language should be made essential instead of desirable. This will serve two purposes. First, persons speaking the local language can be appointed who can liaison or communicate with the local people effectively and also to provide employment opportunities to the local people.

Hence this Bill.

NEW DELHI,
March 24, 2000

ANANT GANGARAM GEETE

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

G. C. MALHOTRA,
Secretary-General.

